



State Senator

Neal J. Kedzie

11th Senate District

Senate Bill 421
Testimony of Senator Neal Kedzie
Senate Committee on Education
January 27, 2010

Chairman Lehman, members of the Committee, thank you for holding a hearing today on Senate Bill 421.

Senate Bill 421 would require absolute sobriety for underage persons while on school premises. A person who violates this provision would be subject to a forfeiture of no more than \$200.

I introduced Senate Bill 421 on behalf of a constituent and Waterford Union High School Associate Principal, who identified a potential problem with current law as it relates to persons under the legal drinking age that attend a school function. The problem was identified when an inebriated student attended such a function, was dealt with by school officials, and cited for underage drinking by law enforcement. However, that citation was later dismissed, as the parents of the student provided the alcohol, which is legal under the law. SB 421 seeks to remedy that situation.

As you know, it is illegal for anyone under the age of 21 to possess or consume alcohol, unless accompanied by his or her parents. In addition, it is illegal for anyone to consume alcohol on school grounds. Generally, those laws are adequate for school officials to deter underage drinking on school property. However, since the intoxicated student was provided alcohol by her parents, technically no violation of either law had occurred, and thus, the student could not be issued a citation by local law enforcement.

Unfortunately, these types of incidents seem to be on the rise, where a parent provides their son or daughter alcohol prior to a school function, sporting event, or dance. The student attends the school sponsored function intoxicated, which is technically allowable under the law. While the school may be able to take action on its own, such as removing the student from the school, no other legal measures may be taken to punish the student. To paraphrase the school official who brought this to my attention, irresponsible parents could essentially unleash their intoxicated child on the schools, who would then be in a position to supervise and deal with any problems that might arise from that action. And in this case, law enforcement is unable to issue any type of citation.

I believe SB 421 would serve as an additional and enforceable deterrent for both school officials and law enforcement to keep intoxicated students off school grounds, and hopefully send a message to parents and students that if they choose to consume alcohol at home, it would be in their own and the public's best interest to remain at home.

I would like to say for the record this bill should in no way be construed as a criticism of school district officials and the manner in which they currently deal with intoxicated students. School officials are asked to deal with an increasing amount of student behavioral issues each year, and by all accounts, are handling those issues exceptionally well. With that in mind, I believe it is our responsibility to provide schools and law enforcement with the tools needed to address this issue, close the loophole in current law, and continue our mutual efforts to appropriately deal with underage drinking.

Thank you for your consideration of Senate Bill 421. I would be happy to answer any questions you may have.